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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/559,391

04/26/2000

Shinichiro Omi

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7590

06/29/2004

Wenderoth Lind & Ponack LLP  
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EXAMINER

LEE, TIMOTHY L

ART UNIT

PAPER NUMBER

2662

9

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/559,391	OMI ET AL.	
	Examiner	Art Unit	
	Timothy Lee	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-196 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,12,13,15,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 2-11,14,16 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 12, 13, 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giles et al. (US 5,231,634) in view of Elwalid et al. (US 6,353,616).

3. Regarding claims 1, 17, and 18, Giles et al. discloses an invention related to methods for transferring data between a source and a plurality of receiving data processing devices. The method includes a first step of transmitting from the first agent, a request-to-send message (said transmitting station transmits a reservation request packet for bandwidth reservation to said receiving station). The RTS is received at the second agent, which then sends a clear-to-send message back to the first agent when the channel is available, thus inherently reserving the resources for this communication between the first agent and the second agent (transmits a communication reservation packet for informing said transmitting station of the reserved bandwidth). The first agent then transmits information to the second agent on the reserved channel during the reserved time—inherently, the first agent has created data packets to be transferred over the reserved channel (creates data packets according to the generated data, and transmits the created data packet through the bandwidth). See generally col. 3, lines 3-23. Giles et al. also discloses that a duration for transmission is also sent, but Giles et al. does not expressly disclose where a valid period is stored at the receiver and where the receiver

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will voluntarily and repeatedly send the reservation packet the transmitting station while the valid period is still valid. Elwalid et al. discloses a protocol where the exchange of resource reservation information among routers in the packet network which allows for periodic refresh messages requests, or update messages, to maintain state information. Refresh messages that are not sent or processed within the period cause the established packet flow to be terminated. See col. 2, lines 10-23. Thus, connections are maintained by periodic UPDATE messages generated by the destination. See at least col. 4, lines 25-44. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the teaching of sending UPDATE messages that are generated by the destination to keep the connection alive in the system of Giles et al.. One would have been motivated to do this because it allows the receiving party more control in changing the time period if factors in the system change and the receiver must cut short or is able to extend the time period that the transmitting station is allowed to send.

4. Regarding claim 12, Giles et al. discloses sending an ACK packet after the transmission of the data packet has occurred—the ACK can be thought of as a type of reservation packet. See col. 3, lines 51-56.

5. Regarding claims 13 and 15, as mentioned previously, Giles et al. discloses that the transmitting station will not transmit until it receives the clear-to-send signal from the receiving station—the clear-to-send message can also be considered a data packet.

***Allowable Subject Matter***

6. Claims 2-11, 14, 16, and 19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

*Response to Arguments*

7. Applicant's arguments filed April 19, 2004 have been fully considered but they are not persuasive.

8. In response to Applicant's argument that the refresh and UPDATE messages of Elwalid are not the same as the reservation packets that are sent voluntarily and repeatedly by the receiving station of Applicant's claimed invention, the Examiner respectfully disagrees. The UPDATE messages sent in Elwalid are sent in order to keep the connective alive, so they are similar to the reservation packets used in the Applicant's claimed invention. In reading col. 4, lines 25-44, it is clear that nothing from the source prompts the receiver from sending the UPDATE messages, so they are voluntarily sent by the receiver. The RESV message is sent in response to a reservation request from the source, but this is the same as the first reservation message by the receiver in Applicant's claimed invention—the subsequent UPDATE messages sent by the receiver are similar to the subsequent reservation packets sent by the receiver in Applicant's claimed invention. Also, Elwalid discloses that the UPDATE messages are sent periodically, so this means they are sent repeatedly during the reservation period. In the combination of Giles and Elwalid, it is inherent if the receiver is controlling the duration of the connection, then the receiver must store that duration value in memory in order to know when to stop sending UPDATE messages to the source so that the connection can cease to exist. Because Elwalid discloses sending UPDATE messages voluntarily and repeatedly to keep the connection alive, the Examiner believes the rejection remains proper.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

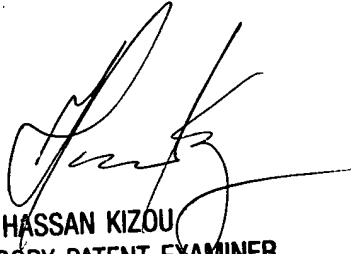
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy Lee whose telephone number is (703)305-7349. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (703)305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TLL  
Timothy Lee  
June 23, 2004



HASSAN KIZOU  
SUPERVISORY PATENT EXAMINER  
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